

Modern common law trusts

- Constructive trusts

- Constructive trusts arise by operation of law when the law creates an obligation to hold particular property for the benefit of another
- *Pettkus v. Becker*, [1980] 2 S.C.R. 834: where one party has been unjustly enriched at the expense of the other, he may hold property on constructive trust
- *Foskett v. McKeown*, [2001] 1 A.C. 102 (H.L.): tracing of trust property into proceeds

Modern Law Of Trusts

Ian Pickup



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The Modern Law of Trusts David Berkeley Parker, Anthony R. Mellows, 1983 **Parker and Mellows A. J. Oakley**, David Berkeley Parker, Anthony R. Mellows, 2008 An accessible and current guide to the legal aspects and overall functioning of trusts This new and updated edition incorporates recent case law and major legislative changes and will be of particular interest to teachers and students at undergraduate level vocational students and practitioners **Trends in Contemporary Trust Law** A. J. Oakley, 1996 Rev versions of papers originally presented at a conference held on Jan 6 7 1996 in Cambridge U K Todd & Wilson's Textbook on Trusts Sarah Wilson, 2013-04-11 Written in an enthusiastic and student friendly style Todd Wilson's Textbook on Trusts explains the basic principles and rules of trusts law in a clear and unimposing way The book delivers focused intellectually stimulating content and gives in depth coverage of the key areas taught on the undergraduate course **Todd & Wilson's Textbook on Trusts & Equity** Sarah Wilson, 2015 Written in an enthusiastic and student friendly style Todd Wilson's Textbook on Trusts Equity explains the basic principles and rules of trusts law in a clear and unimposing way The book delivers focused intellectually stimulating content and gives in depth coverage of the key areas taught on the undergraduate course The Modern Cy-près Doctrine Rachael Mulheron, 2016-04-08 It is unusual in the precise world of law to find instances of where near enough is good enough This book explores when this is possible referring to property and monetary transfers under the increasingly important and influential cy pr s doctrine The doctrine decrees that when literal compliance is impossible or infeasible the intention of a donor or testator should be carried out as nearly as possible Over the past thirty years this doctrine has marched into other legal territory where as near as possible is also considered sufficient such as in class actions litigation and under non charitable trusts Discussing and analyzing key developments across the Commonwealth jurisdictions and the USA this book considers whether there is a new and overarching definition which can be attributed to the cy pr s doctrine It asks whether there is a doctrinal symmetry of analysis that truly renders it a body of cy pr s law in the modern context and whether the doctrine can be expected to play an even greater role in the future This book is of interest to researchers and practitioners working in trusts and charity law property law contract law and class actions jurisprudence **THE MODERN LAW OF TRUSTS; BY D.B. PARKER AND A.R. MELLOWS.**, 1975 Principles of Equity and Trusts Alastair Hudson, 2021-11-24 This is the second edition of Principles of Equity and Trusts the concise new textbook from Alastair Hudson the author of the definitive classic Equity and Trusts Through clear and careful analysis the author explains what the law is its foundational principles and its social and economic effect By beginning with the core principles on which this field is based even the most complex academic debates concerning express resulting and constructive trusts the family home charities law and other equitable doctrines become comprehensible and interesting This book offers a fresh lively and often humorous account of Equity and Trusts Through easy to follow worked examples and analysis of the case law Alastair helps you to answer problem

questions and to prepare coursework The author shows how the law affects real people in real situations Each chapter begins with a clear and concise introduction to the core principles It contains numbered headings for ease of navigation and advice on studying this subject Students also have access to Professor Hudson's ever popular supporting website which has had hundreds of thousands of hits over the years It has over 50 brief podcasts on key issues which have been specially recorded to coincide with the publication of this book That website also contains detailed lectures a variety of videos explaining the law and guidance on tackling assessments Characterised by the passion and enthusiasm for his subject matter that make Alastair Hudson's classic textbook so popular *Principles of Equity and Trusts* is sure to be a winner with both academics and students alike

Trusts Maurizio Lupoi, 2000 Comparative study covering three models of trust the English the international and the civilian More than forty countries are examined and a unified theory of trusts is submitted The effects of the Hague Convention of 1985 are discussed as well as its implementation in ratifying civil law countries where it is now possible to form trusts under a foreign law

Equity and Trusts Alastair Hudson, 2013 Alastair Hudson's *Equity and Trusts* is an ideal textbook for undergraduate courses on the law of trusts and equitable remedies It provides a clear current and comprehensive account of the subject through which the author's enthusiasm and expertise shine through helping to bring to life an area of the law which students often find challenging Fully updated and revised this Seventh Edition contains an analysis of *Jones v Kernott* and trusts of homes a new treatment of dishonest assistance and unconscionable receipt a full treatment of the law on super injunctions coverage of all of the trusts law cases precipitated by the collapse of Lehman Brothers a reflection on women and equity and the politics of trusts law a new treatment of the Hastings Bass principle and analysis of over 200 new cases and the Perpetuities and Accumulations Act 2009 *Equity and Trusts* remains the most comprehensive and up to date coverage of the law of Equity and Trusts while still a lively and thoughtful account of the issues raised by it This book has been cited as being authoritative in the courts of numerous countries The seventh edition is supported by a companion website which includes over 50 short podcast lectures by the author discussing and clarifying key topics from within the book which cover an entire course a set of brief video documentaries filmed on location which provide context and bring to life selected key topics a brief introductory video presentation from the author introducing the viewer to the subject of Equity and Trusts and to the book in particular

Equity and Trusts Mohamed Ramjohn, 2006 Presenting practical answers to fifty typical exam questions this new edition helps students to penetrate and understand the complexities of equity and trusts Traditionally a difficult subject for those approaching it for the first time special care has been taken to present the subject as a whole in a structured way with basic matters examined first before moving on to more difficult concepts Incorporating new questions and answers this new edition has been fully updated to include recent case law e.g. *Choithram v Pagarani* 2001 *Pennington v Waine* 2002 *Twinsectra v Yardley* 2002 *Duggan v Governor of Full Sutton Prison* 2004 discussion of the Charities Bill 2004 the implications of the Trustee Act 2000 Clarifying the mysteries

surrounding the study of equity and trusts this book contains essential advice and examples which illustrate how to successfully answer examination questions on the subject *Equity and Trusts* John Duddington, 2019 *Commonwealth Caribbean Law of Trusts* Gilbert Kodilinye, Trevor Carmichael, 2014-04-08 The law of trusts is a subject of considerable importance in the Commonwealth Caribbean Traditional areas such as testamentary trusts resulting and constructive trusts and charitable trusts are now fully incorporated into the mainstream substantive law of the region while the principles associated with offshore trust regimes are constantly expanding and developing This book has been updated to reflect new case law and legislation and to highlight recent trends relating to both traditional and offshore trusts **Todd & Watt's Cases and Materials on Equity and Trusts** Gary Watt, 2013-06-13 This revised and updated text contains a range of relevant interesting case law statutory material academic extracts and official proposals for law reform A companion web site featuring web links and case updates ensures students have access to the latest materials Trusts and Modern Wealth Management Richard C. Nolan, Kelvin F. K. Low, Tang Hang Wu, 2018-05-31 New essays by leading figures from the judiciary practicing lawyers and academics illuminating the worlds of trusts and wealth management The Commercial Uses of Trusts Ruiqiao Zhang, 2024-10-31 This book provides a systematic and critical analysis of the role trusts play in modern commercial markets Commercial trusts are complex and ever evolving and a reassessment of the traditional legal norms relating to them is much needed in order to provide new doctrinal insights The book does just that focusing on trusts in the UK while drawing on developments in European jurisdictions and in China It presents a thought provoking assessment and a unified understanding of commercial trusts *The Hague Trusts Convention* Jonathan Harris, 2002-05-04 Trusts cross borders When they do real difficulties may arise Will the understanding of what a trust is be different in a foreign state Will the rights powers and duties of the trustee and settlor be the same What rights will the beneficiary be able to assert To what extent will the trust assets be safe from the claims of creditors forced heirs or third parties Which legal system will be applied to the trust Within what limits What if the trust needs to be recognised in a state which does not have the institution of the trust in its domestic law The Hague Trusts Convention enacted into English law by the Recognition of Trusts Act 1987 seeks to ameliorate the situation by providing harmonised choice of law rules for trusts created voluntarily and evidenced in writing It also provides for the recognition of trusts in Contracting States Those Contracting States should recognise the trust even if they do not have the institution in their domestic law This book is the first published in England to devote itself to a detailed analysis of the Convention It is aimed at academics and practitioners at private international lawyers and at trust lawyers Frequent reference is made to the position in civil law states especially in the Contracting States of Italy and the Netherlands and in other trust states both offshore and onshore The Hague Trusts Convention deals with the operation of the trust itself It does not deal with the preliminary steps needed to create a trust These preliminary matters raise highly complex and uncharted choice of law issues Detailed discussion of these matters is also provided and appropriate solutions

suggested **Equity** F. W. Maitland, Frederic William Maitland, A. H. Chaytor, W. J. Whittaker, 2011-03-03 The lectures given in Cambridge between 1888 and 1906 by the Downing Professor of the Laws of England F W Maitland Legal Certainty in a Contemporary Context Mark Fenwick, Stefan Wrba, 2016-04-02 This book addresses issues concerning the shifting contemporary meaning of legal certainty The book focuses on exploring the emerging tensions that exist between the demand for legal certainty and the challenges of regulating complex late modern societies The book is divided into two parts the first part focusing on debates around legal certainty at the national level with a primary emphasis on criminal law and the second part focusing on debates at the transnational level with a primary emphasis on the regulation of transnational commercial transactions In the context of legal modernity the principle of legal certainty the idea that the law must be sufficiently clear to provide those subject to legal norms with the means to regulate their own conduct and to protect against the arbitrary use of public power has operated as a foundational rule of law value Even though it has not always been fully realized legal certainty has functioned as a core value and aspiration that has structured normative debates throughout political modernity both at a national and international level In recent decades however legal certainty has come under increasing pressure from a number of competing demands that are made of contemporary law in particular the demand that the law be more flexible and responsive to a social environment characterized by rapid social and technological change The expectation that the law operates in new transnational contexts and regulates every widening sphere of social life has created a new degree of uncertainty and this change raises difficult questions regarding both the possibility and desirability of legal certainty This book compiles in one edited volume research from a range of substantive areas of civil and criminal law that shares a common interest in understanding the multi layered challenges of defining legal certainty in a late modern society The book will be of interest both to lawyers interested in understanding the transformation of core rule of law values in the context of contemporary social change and to political scientists and social theorists **The Law of Trusts** J. E. Penner, 2022 Titles in the Core Text series take the reader straight to the heart of the subject providing focused concise and reliable guides for students at all levels The Law of Trusts provides perceptive analysis and original and thought provoking commentary to give students a grounding in what is considered to be a difficult subject The book introduces the controversies surrounding the topic in a clear way allowing the student reader to appreciate the subject's theoretical issues and difficulties engaging the reader and giving an all round picture of the key issues relating to the subject Each chapter of his edition has been thoroughly revised to bring into focus the modern law of trusts New to this edition Chapters 4 and 11 examine important trusts which rarely get significant coverage in their own right the modern discretionary trust the solicitor agent trust the Quistclose trust and the unincorporated association trust

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